

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 3:07-CR-120-PLR
	)	
ANGEL CONTRERAS	)	

**MEMORANDUM AND ORDER**

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 202]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 203]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on July 16, 2016.

The defendant was convicted of conspiracy to distribute and possess with intent to distribute at least one kilogram of heroin, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A). At sentencing, defendant was held responsible for distributing at least one kilogram of heroin. After a four-level enhancement for his role in the offense, and a three-level reduction for acceptance of responsibility, his total offense level was 33, with a criminal history category I, resulting in an advisory guideline range of 135 - 168 months. Defendant was sentenced on March 31, 2011, to 135 months imprisonment.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 31, with a criminal history category I, resulting in an amended guideline range of 108 - 135 months. Because defendant remains subject to a statutory mandatory minimum of 120 months, however, his effective guidelines range is 120 – 135 months. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 202] is GRANTED, and the defendant's sentence is **reduced to 120 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated March 31, 2011, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

**IT IS SO ORDERED.**

Enter:

  
UNITED STATES DISTRICT JUDGE